

Response under 37 C.F.R. 1.116

Applicant: Thane M. Larson et al.

Serial No.: 09/923,880

Filed: August 7, 2001

Docket No.: 10012570-1

Title: SERVER SYSTEM WITH MULTIPLE MANAGEMENT USER INTERFACES**REMARKS**

These remarks are made in response to the Final Office Action mailed May 23, 2005. In that Office Action, the Examiner maintained the rejections outlined in the previous Office Action: claims 1-4, 6-9, 11-13, 16-18, 20, and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Gallagher et al., U.S. Patent No. 5,971,804 ("Gallagher"). Claims 5, 10, 14, and 19 were rejected under 35 U.S.C. §103 as being unpatentable over Gallagher.

With this Response, Applicant respectfully traverses the Examiner's rejection of claims 1-14 and 16-21 and requests reconsideration of these claims. Claims 1-14 and 16-21 remain pending in the application and are presented for reconsideration and allowance.

35 U.S.C. §102 Rejections

The Examiner rejected claims 1-4, 6-9, 11-13, 16-18, 20, and 21 under 35 U.S.C. §102(b) as being anticipated by Gallagher et al., U.S. Patent No. 5,971,804 ("Gallagher"). Independent claim 1 is directed to a server system and recites "a **server management card** coupled to the plurality of printed circuit assemblies for monitoring and managing operation of the server system". Independent claim 11 is directed to a method of communicating with a server system and recites "providing a **management card** in the server system including a plurality of user interfaces". Independent claim 20 is directed to "a **server management card**" and recites "a plurality of user interfaces".

With respect to each of these independent claims, in the Office Action mailed on January 7, 2005, the Examiner indicated that control station 22 of Gallagher is a management card as recited in the claims. (Office Action mailed on 1/7/05 at para. no. 4, page 2; para. no. 12, page 4; and para. no. 15, page 6). However, as Applicant pointed out in the Response filed on April 7, 2005, control station 22 is not a "card". Rather, Gallagher discloses that control station 22 comprises a mechanical enclosure or case that encloses a motherboard 67, a server interconnect printed circuit board 68, I/O adapter cards 85, as well as other elements. (See, e.g., Gallagher at Figs. 5C and 8; col. 6, lines 65-66; col. 7, lines 9-13, and 27-41; col. 9, lines 30-33; and col. 11, lines 25-29). Thus, control station 22 is not a management card as recited in independent claims 1, 11, and 20. Applicant also indicated in the Response filed on

Response under 37 C.F.R. 1.116

Applicant: Thane M. Larson et al.

Serial No.: 09/923,880

Filed: August 7, 2001

Docket No.: 10012570-1

Title: SERVER SYSTEM WITH MULTIPLE MANAGEMENT USER INTERFACES

April 7, 2005, that there is no teaching or suggestion in Gallagher that control station 22 includes a management card as recited in independent claims 1, 11, and 20.

In the Final Office Action mailed on May 23, 2005, the Examiner now argues that the server interconnect printed circuit board 68 in the control station 22 is a management card as recited in independent claims 1, 11, and 20. (Final Office Action at para. no. 8, page 3). The Examiner further stated that "[t]he rejections are respectfully maintained and incorporated by reference as set forth in the last office action." (Final Office Action at para. no. 5, page 2). Throughout the Office Action mailed on January 7, 2005, which is the "last office action" referred to by the Examiner above as being incorporated by reference, the Examiner argues that the control station 22 includes several interfaces, such as those for a keyboard, mouse, flat panel display, as well as others. (See, e.g., Office Action mailed 1/7/05 at para. nos. 4, 12, 15). However, Gallagher expressly discloses that "[t]he control station 22₁, 22₂ motherboards 67, to be described in connection with FIGS. 5C, 5E, are provided with keyboard, mouse, VGA and IDE interface cards 66 for enabling connection to a flat panel display 32, keyboard 34, mouse and CDROM drive 50 via multiplexer 53, as indicated." (Gallagher at col. 7, lines 9-14) (emphasis added). Thus, Gallagher discloses that the motherboards 67 are provided with these interfaces, not the server interconnect printed circuit board 68, which the Examiner now contends is a management card as recited in the claims.

The Examiner also stated in the Final Office Action that "Gallagher et al disclose other functions performed by the server interconnect printed board 68 [col. 10, lines 5-31]. There is no teaching or suggestion in this cited portion of Gallagher that the server interconnect printed circuit board 68 includes a plurality of interfaces for configuring the board 68. There is no teaching or suggestion in Gallagher that the server interconnect printed circuit board 68 includes a plurality of user interfaces for allowing a user to access the board 68, configure the board 68, and access stored status information on the board 68.

In view of the above, Gallagher does not teach or suggest each and every limitation of independent claim 1, 11, or 20. Applicant respectfully requests removal of the rejection of claims 1, 11, and 20 under 35 U.S.C. §102(b), and requests reconsideration and allowance of these claims. Since dependent claims 2-4, 6-9, 12, 13, 16-18, and 21 further limit patentably distinct claim 1, 11, or 20, claims 2-4, 6-9, 12, 13, 16-18, and 21 are believed to be allowable

Response under 37 C.F.R. 1.116

Applicant: Thane M. Larson et al.

Serial No.: 09/923,880

Filed: August 7, 2001

Docket No.: 10012570-1

Title: SERVER SYSTEM WITH MULTIPLE MANAGEMENT USER INTERFACES

over the cited reference, and allowance of claims 2-4, 6-9, 12, 13, 16-18, and 21 is respectfully requested.

Claims 2-4, 6-9, 12, 13, 16-18, and 21 are also further distinguishable over the cited reference. For example, claim 2 recites "wherein the plurality of interfaces to the server management card include at least one serial port interface and at least one LAN interface." There is no teaching or suggestion in Gallagher that the server interconnect printed circuit board 68 includes a serial port interface.

Claim 4 recites "wherein the plurality of interfaces to the server management card further include an interface coupled to at least one LCD panel mounted on the server system." As addressed above, Gallagher discloses that the motherboard 67 is enabled to connect to display 32, but there is no teaching or suggestion in Gallagher that the server interconnect printed circuit board 68 includes an interface coupled to at least one LCD panel mounted on the server system.

Claim 6 recites "wherein multiple connections through the plurality of interfaces to the server management card may be active at one time." Claim 7 is dependent on claim 6 and recites "wherein the multiple connections through the plurality of interfaces include a master connection, and at least one mirrored connection, wherein the master connection provides control over the server management card, and the at least one mirrored connection allows monitoring of the master connection." Claim 16 is dependent on independent claim 11 and recites "wherein the multiple simultaneously active connections through the plurality of user interfaces include a master connection, and at least one mirrored connection, wherein the master connection provides control over the management card, and the at least one mirrored connection allows monitoring of the master connection." The Examiner indicated that these limitations were taught or suggested by Gallagher at col. 7, lines 26-38, and col. 7, lines 9-41. (Office Action mailed 1/7/05 at para. nos. 8 and 9, page 3). The portions of Gallagher cited by the Examiner include no teaching or suggestion regarding multiple active connections to the server interconnect printed circuit board 68, including a master connection providing control over the board 68 and at least one mirrored connection allowing monitoring of the master connection.

Claim 8 recites "wherein the server management card is configured to communicate via a telnet protocol through at least one of the plurality of interfaces to the server

Response under 37 C.F.R. 1.116

Applicant: Thane M. Larson et al.

Serial No.: 09/923,880

Filed: August 7, 2001

Docket No.: 10012570-1

Title: SERVER SYSTEM WITH MULTIPLE MANAGEMENT USER INTERFACES

management card". Claim 17 recites "connecting to the management card through one of the plurality of user interfaces using a telnet protocol." The Examiner indicated that these limitations are "inherent to a network system". (Office Action mailed 1/7/05 at para. no. 10, page 4). Applicant respectfully disagrees. As the Federal Circuit has stated, "[i]nherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." *Trintec Indus., v. Top-U.S.A. Corp.*, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002) (quoting *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). Since the interfaces specified by the Examiner can, and in fact do, use protocols other than a telnet protocol, communication via a telnet protocol is not necessarily present in Gallagher. It is not inherent in Gallagher that server interconnect printed circuit board 68 communicates via a telnet protocol.

Claim 12 recites "wherein the plurality of user interfaces to the management card include at least one serial port interface, at least one LAN interface, and at least one LCD panel interface coupled to an LCD panel mounted on the server system. As discussed above with respect to claims 2 and 4, there is no teaching or suggestion in Gallagher that the server interconnect printed circuit board 68 includes a serial port interface, and there is no teaching or suggestion in Gallagher that the server interconnect printed circuit board 68 includes an interface coupled to at least one LCD panel mounted on the server system.

Claim 21 recites "wherein the LAN interface is dedicated to management LAN communications that are separate from payload LAN communications of the plurality of cards." The Examiner indicated that this limitation was taught or suggested by Gallagher at col. 6, lines 55-64. There is nothing in this cited portion of Gallagher regarding separating management LAN communications and payload LAN communications, or a LAN interface that is dedicated to management LAN communications.

In view of the above, Gallagher does not teach or suggest each and every limitation of dependent claims 2-4, 6-9, 12, 13, 16-18, and 21. Dependent claims 2-4, 6-9, 12, 13, 16-18, and 21 are believed to be allowable over the cited reference, and reconsideration and allowance of claims 2-4, 6-9, 12, 13, 16-18, and 21 is respectfully requested.

Response under 37 C.F.R. 1.116

Applicant: Thane M. Larson et al.

Serial No.: 09/923,880

Filed: August 7, 2001

Docket No.: 10012570-1

Title: SERVER SYSTEM WITH MULTIPLE MANAGEMENT USER INTERFACES**35 U.S.C. §103 Rejections**

The Examiner rejected claims 5, 10, 14, and 19 under 35 U.S.C. §103(a) as being unpatentable over Gallagher. Dependent claims 5, 10, 14, and 19 further limit patentably distinct claim 1 or 11, and, as acknowledged by the Examiner at paragraphs 19 and 20 of the Office Action mailed January 7, 2005, recite limitations that are not taught or suggested by the cited reference. With respect to dependent claims 5 and 14, the Examiner stated that "Gallagher et al do not disclose about a second interface coupled to a second LCD panel mounted on a back of the server system. However, **a routineer in the art would be able to couple a second LCD panel on a different side of the server system as a redundant LCD panel.**" (Office Action mailed 1/7/05 at para. no. 19, page 7) (emphasis added). With respect to dependent claims 10 and 19, the Examiner stated that "Gallagher et al do not disclose about having three levels of users access. However, **a routineer in the art would know that in a server/client environment, users are granted certain types of accessibility.**" (Office Action mailed 1/7/05 at para. no. 20, page 8) (emphasis added).

Applicant respectfully submits that the Examiner's unsupported speculation regarding what one of ordinary skill in the art would know or be able to do, does not establish a *prima facie* case of obviousness. In the cases of *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), the Federal Circuit reversed the decision of the Board of Patent Appeals and Interferences sustaining an Examiner's obviousness rejection. In the *Fine* case, the Court stated that "[t]he Board points to nothing **in the cited references**, either alone or in combination, suggesting or teaching Fine's invention." *Fine*, 5 USPQ2d at 1599 (emphasis added). The Court further stated that "Because neither Warnick nor Eads [prior art references], alone or in combination, suggests the claimed invention, the Board erred in affirming the Examiner's conclusion that it would have been obvious" *Id.*

Similarly, in the *Jones* case, the Court stated:

We see no such suggestion in Zorayan, which is directed to shampoo additives, nor in Wideman, which teaches that the amine used to make the claimed compound is a byproduct of the production of morpholine. Nor does the broad disclosure of Richter fill the gap, for the reasons discussed above.

Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modifications of the prior art salts necessary to arrive at the claimed 2-(2'-

Response under 37 C.F.R. 1.116

Applicant: Thane M. Larson et al.

Serial No.: 09/923,880

Filed: August 7, 2001

Docket No.: 10012570-1

Title: **SERVER SYSTEM WITH MULTIPLE MANAGEMENT USER INTERFACES**

aminoethoxy) ethanol salt. *See Grabiak*, 769 F.2d at 731-32, 226 USPQ at 872 ("[I]n the case before us **there must be adequate support in the prior art** for the [prior art] ester/ [claimed] thioester change in structure, in order to complete the PTO's *prima facie* case and shift the burden of going forward to the applicant."): *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984) ("**The prior art must provide one of ordinary skill in the art the motivation** to make the proposed molecular modifications needed to arrive at the claimed compound.").

Jones, 21 USPQ2d at 1944 (emphasis added).

Like the *Fine* and *Jones* cases, the Examiner in the present case is also relying on speculation about what one of ordinary skill in the art could do, without any support in the cited references. The Examiner has not identified any disclosure in Gallagher that teaches or suggests the limitations recited in claims 5, 10, 14, and 19, and Applicant respectfully submits that a *prima facie* case of obviousness of these claims has not been established.

In view of the above, claims 5, 10, 14, and 19 are believed to be allowable over the cited reference, and allowance of claims 5, 10, 14, and 19 is respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-14 and 16-21 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-14 and 16-21 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854 or Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

Response under 37 C.F.R. 1.116

Applicant: Thane M. Larson et al.

Serial No.: 09/923,880

Filed: August 7, 2001

Docket No.: 10012570-1

Title: SERVER SYSTEM WITH MULTIPLE MANAGEMENT USER INTERFACES

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Thane M. Larson et al.

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-0178
Facsimile: (612) 573-2005

Date: 7/21/05
JAH:jmc

Jeff A. Holmen
Jeff A. Holmen
Reg. No. 38,492

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to Examiner Suryawanshi, Group Art Unit 2115, at Fax No. (571) 273-8300 on this 21st day of July, 2005.

By Julianne Christiansen

Name: Julianne Christiansen